

BEFORE THE STATE BOARD OF LAND COMMISSIONERS
STATE OF IDAHO

In the Matter of:)	
)	Case No. PH-2020-PUB-10-001
Encroachment Permit Application)	
No. L-97-S-1081B)	NOTICE OF APPOINTMENT OF
)	HEARING COORDINATOR
Gregory M. and Debra B. Wilson,)	AND PUBLIC HEARING
Applicant.)	
)	

NOTICE IS HEREBY GIVEN that pursuant to the Lake Protection Act, Idaho Code Title 58, Chapter 13 (which may be viewed at <https://legislature.idaho.gov/statutesrules/idstat/Title58/T58CH13/>) and the Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho, IDAPA 20.03.04.000 *et seq.*, (which may be viewed at <https://adminrules.idaho.gov/rules/current/20/0304.pdf>) the Director of the Idaho Department of Lands (“IDL”) has appointed Andrew Smyth, Public Trust Program Manager, as “Hearing Coordinator” to conduct a public hearing in the above-captioned matter. The public hearing will be conducted pursuant to Idaho Code § 58-1306(c). The Hearing Coordinator has the scope of authority delineated by IDAPA 20.01.01.413.01 and, as applicable, by IDAPA 20.03.04.030.

The provisions of Idaho Code § 58-1306 and IDAPA 20.03.04.030 apply to the above-captioned matter and require that a hearing on the application be held within ninety (90) days of the application date. Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.05. In order to comply with this deadline, I delegate initial decision-making authority to the Hearing Coordinator. In accordance with Idaho Code § 67-5245, the Hearing Coordinator shall submit a preliminary order to the Director of IDL, who shall then issue a Final Order no more than thirty (30) days after the conclusion of the hearing.

As provided in Idaho Code § 67-5240, the contested case provisions of the Administrative Procedure Act do not apply where the legislature has directed the use of

alternative procedures. Because the Legislature has enacted specific alternative procedures in Idaho Code § 58-1306 that require a final order to be issued within thirty (30) days of the hearing, and leave insufficient time to consider petitions for review of the preliminary order, the procedures of Idaho Code § 67-5245 addressing petitions for review of preliminary orders are not applicable.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be conducted in accordance with IDAPA 20.01.01.000 *et seq.* on **Thursday, December 3, 2020 at 1:00 p.m. Pacific Daylight Time** via videoconference. To participate in the hearing, you may use the following link:

<https://idl.zoom.us/j/86565419462?pwd=bXFBREltUFhiVDZhWG5EVGJudWFRZz09>

or from the Zoom application main menu, select Join and then enter Meeting ID 865 6541 9462, and Passcode 420214. Alternatively, to participate by phone only, you may dial (669) 900-6833 and enter Meeting ID 86565419462 # and Passcode 420214. Please note that written comments, submitted as set forth below, and oral comments, will be given the same weight and consideration.

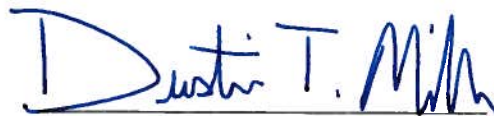
In order to allow for a smoother video conference hearing, it is important that parties submit their exhibits prior to the hearing. Therefore, by five o'clock (5:00 p.m.) Pacific Time, Monday, November 30, 2020, all parties must email to the Hearing Coordinator, via kromine@idl.idaho.gov, **and to all other parties**, a list of all exhibits you may offer at the hearing along with a complete and correct copy of each exhibit., The Applicants, Gregory and Debra Wilson, will label any exhibits alphabetically (A, B, C . . .). The Objector, William Faloon, will label any exhibits numerically (1, 2, 3, . . .). The Idaho Department of Lands will label any exhibits numerically and preceded by "IDL" (IDL-1, IDL-2, IDL-3. . .).

The Rules of Procedure (IDAPA 20.01.01.000 *et.seq.*) may be viewed at <https://adminrules.idaho.gov/rules/current/20/0101.pdf>. The hearing record may be viewed at <https://www.idl.idaho.gov/lakes-rivers/administrative-hearings/>

You may attend and present comments at the public hearing. You may also submit written comments to comments@idl.idaho.gov (please enter "Case No. PH-2020-PUB-10-001" in the subject line) or to Idaho Department of Lands, PO Box 83720, Boise, ID 83720-0050. In order to be considered, all written comments must be received by the close of the hearing.

The hearing will be conducted in facilities that meet the accessibility requirements of the Americans with Disabilities Act ("ADA"), in accordance with IDAPA 20.01.01.550 and 551. If a person requires assistance of the kind IDL is required to provide under the ADA in order to participate or in order to understand the hearing, IDL will supply the assistance upon request. Documents, pleadings, or requests for ADA assistance, a copy of the Rules of Procedure, or other general requests may be submitted to Mike Ahmer at mahmer@idl.idaho.gov or at 3258 W. Industrial Loop, Coeur d'Alene, ID 83815. Any request for ADA assistance must be submitted by noon on Monday, November 30, 2020.

DATED this 10th day of November 2020.

A handwritten signature in blue ink that reads "Dustin T. Miller". The signature is stylized, with the first letters of the first and last names being large and prominent.

DUSTIN T. MILLER, Director
Idaho Department of Lands

CERTIFICATE OF MAILING

I hereby certify that on this 10th day of November 2020. I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Gregory M. and Debra B. Wilson
32 Blackcap Ln
Coolin, ID 83821

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
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Kourtney Romine *on behalf of*
Andrew Smyth, Hearing Coordinator

- ☐ U.S. Mail, postage prepaid
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☐ Email: kromine@idl.idaho.gov


Diane Griffin, Administrative Assistant

Copy sent via email and/or regular U.S. Mail, postage prepaid to Those Who Have Provided Comments.

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